

AUSA Assigned: PJC

Jun 13, 2022

SEAN F. MCVOY, CLERK

(U) *In Re: Affidavit in Support of a Criminal Complaint and Arrest Warrant charging Nabiil Akhdary with Possession with Intent to Distribute Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).*

STATE OF WASHINGTON )  
 ) ss  
County of Chelan )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST  
WARRANT**

I, Kenneth West (hereinafter "Affiant"), being duly sworn, depose and state as follows:

1. I am a Special Agent with the U.S Department of Homeland Security Investigations (HSI). I have been employed as a Special Agent since April 2003. Prior to becoming a Special Agent with HSI, I was a commissioned police officer in Washington State for 6 years. I am currently assigned to the Seattle Division, Wenatchee Office of Investigations. I am responsible for investigating violations of federal law to include violations of the Controlled Substance Act, as well as firearms and Immigration offenses. I have received both state and federal training on the aforementioned criminal offenses, to include a number of post academy training relating to narcotics smuggling/trafficking, money laundering, illegal firearms possession, street gang investigations, identity theft and document fraud. I have been assigned duties which have included and involved, but were not limited to, debriefing defendants, witnesses, informants, investigating the possession and distribution of substances listed within the Controlled Substance Act, executing search/arrest warrants involving immigration, firearms, and drug

offenses, gathering drug and non-drug evidence, gathering evidence relating to drug smuggling, money laundering and possession of firearms.

2. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging Nabiil AKHDARY (AKHDARDY) with Possession with Intent to Distribute Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

3. The facts and information contained in this affidavit are based on personal knowledge, as well as on the observations of other agents and officers involved in this investigation. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the government.

LAW

4. Based upon my training and experience and the facts set forth in this affidavit, there is probable cause to believe that Nabiil AKHDARY (AKHDARDY) violated 21 U.S.C. § 841(a)(1), (b)(1)(C), Possession with Intent to Distribute Fentanyl. I therefore make this affidavit in support of a criminal complaint charging AKHDARY with this offense.

5. Based on my training and experience, I know it is a crime for any person to possess a controlled substance with the intent to distribute the controlled substance to another person.

FACTS SUPPORTING PROBABLE CAUSE

6. On January 17, 2022, AKHDARY was pulled over for a traffic violation by Wenatchee Police. At the time of the stop, AKHDARY provided a Tennessee Driver's license under the name of Gregory Harvey. During the traffic stop, a male arrived on scene who identified himself as Daniel SMITH (SMITH). Daniel SMITH stated he was the renter of the car, which was stopped. Both subjects stated they were staying together at the Red Lion Hotel in Wenatchee. Due to dispatch discrepancies Wenatchee Police did not find out until after the traffic stop,

that the true identity of the driver was that of AKHDARY. Wenatchee Police later tried to locate AKHDARY at the Red Lion, at which time police made contact with SMITH. SMITH indicated to police that he did not know where AKHDARY was. Arrests warrants were later issued against AKHDARY for obstructing a public servant and providing a false/misleading statement.

7. On March 10, 2022, a cooperating defendant not under agreement (“CDNA”) was arrested by the Columbia River Drug Task Force (CRDTF) and HSI for fentanyl distribution in Wenatchee. During a post-arrest, post-*Miranda* interview, CDNA stated he/she obtained their fentanyl pills from an Arizona source of supply identified as SMITH. The individual stated SMITH was staying in a Wenatchee hotel but uses other people to rent his room(s). The individual indicated he/she purchased approximately 5,000 fentanyl pills from SMITH and observed additional fentanyl pills in SMITH’s room. No promises were made to induce this individual to make a statement. The individual was subsequently indicted in the Eastern District of Washington and pending trial at this time. The individual has a prior criminal history, including offenses for unlawful possession of a firearm, 2<sup>nd</sup> and 3<sup>rd</sup> degree theft, second degree malicious mischief, bail jumping, manufacture/deliver methamphetamine, and third degree assault.

8. On March 17, 2022, CRDTF Detective Sund observed an Arizona licensed Nissan Altima at LaQuinta Inn in Wenatchee. The vehicle was registered to SMITH from Glendale, Arizona. HSI and CRDTF obtained records from La Quinta Inn staff, who confirmed SMITH was staying there, but that the room was under the name of AKHDARY.

9. On the morning of June 3, 2022, Columbia River Drug Task Force (CRDTF) Detective Peterson received a tip from a source of information, that a large level drug dealer was back in Wenatchee and staying at the LaQuinta Inn in Wenatchee. The source of information was a former CRDTF Confidential Informant (CI) but

was terminated for violating the terms and conditions of his/her contract. The dealer identified from the tip was that of SMITH. SMITH is believed to reside in Arizona and regularly comes up to Wenatchee, Washington for the purpose of delivering large quantities of fentanyl pills. Upon receiving this information, Detective Peterson arrived at LaQuinta Inn, and observed a white Toyota Corolla, bearing California license 9AZP461 parked at LaQuinta Inn. A registration check on this vehicle determined it to be a Hertz rental car. Detective Peterson checked other cars in the LaQuinta Inn parking lot and determined the Toyota Corolla to be the only rental car parked at LaQuinta Inn parking lot. In addition, the Toyota Corolla was parked in the same parking lot location as where SMITH's vehicle was seen on March 17, 2022, by CRDTF Detective Sund.

10. CRDTF and HSI Agents initiated surveillance of LaQuinta Inn upon finding the Toyota Corolla. Within a short time, surveillance units observed SMITH coming out of the LaQuinta Inn and getting into the Toyota Corolla. Additionally, a female known by CRDTF to be Mackenzie BAER also got into the Toyota Corolla. Both Daniel SMITH and Mackenzie BAER were observed loading bags into the vehicle as if leaving the hotel.

11. Within a short time, SMITH and Mackenzie BAER departed the hotel and drove to Mackenzie BAER's Wenatchee residence. Mackenzie BAER was dropped off, and surveillance units followed SMITH back to the LaQuinta Inn. Upon arriving back at the LaQuinta Inn, surveillance units observed SMITH meeting with a male driving a white Subaru Legacy (WA. license BYU7434). SMITH was observed helping the male (who CRDTF recognized as being that of AKHDARY) load several bags from the LaQuinta into the Subaru as well as into SMITH's vehicle. After loading the bags, both SMITH and AKHDARY departed LaQuinta Inn. Surveillance units followed both SMITH and AKHDARY away from the LaQuinta Inn. Within a short time, AKHDARY separated from SMITH

and drove to the Red Lion Hotel in Wenatchee. Later in the day, CRDTF Detective English confirmed with Red Lion staff that AKHDARY rented room #252 at the Red Lion.

12. On June 5, 2022, Red Lion staff called Rivercom police dispatch to report a suspicious odor coming from room #252, which prompted the fire department to respond and contacting room #252. In addition, CRDTF Detective Sund was contacted by Red Lion staff indicating staff had located crystal like shards visible on the carpet outside of room #252. Detective Sund collected the crystal-like shards and field tested them, which tested presumptive for methamphetamine.

13. On the morning of June 6, 2022, Red Lion staff re-contacted CRDTF Detective Sund stating AKHDARY had been causing issues over the night at the Hotel, and that at around 1:30 am AKHDARY had requested to be moved to a different room, which was now room #114. Later in the morning on ~~June 2, 2022~~, *JAG* *June 6, 2022*, *K.W.* Red Lion hotel staff attempted to clean AKHDARY's old room of #252 and reported seeing leftover narcotics within the room. CRDTF Detectives Sund and Virnig responded to #252, and observed multiple crystal shards within the room desk, floor and bed area, which matched the crystal shards found and tested on the previous day. In addition, Detectives located (2) blue pills on the nightstand, one which had a "M" marked on the side, which is commonly known as M-30's (fentanyl pills). A plate in the bathroom sink also was found to contain crushed up blue fentanyl pills. Based on these findings, Detective Sund was able obtain a state search warrant on June 6, 2022, for Unlawful Possession of controlled substance for AKHDARY's new room of #114 at the Red Lion.

14. In addition to the warrant to be served on room #114, AKHDARY had two outstanding arrest warrants from Wenatchee Police Department for obstructing a public servant and providing a false/misleading statement during his earlier contact with Wenatchee Police on January 17, 2022

15. On June 6, 2022, at approximately 8:00 pm, CRDTF and HSI set up surveillance of room #114 at the Red Lion with the intent of seeing AKHDARY depart the room, at which time he would be taken into custody on his local warrants. Upon taking AKHDARY into custody, CRDTF and HSI would then execute the search warrant on room #114.

16. At approximately 9:00 pm, your affiant observed AKHDARY at the back window/patio area of room #114. AKHDARY was observed wearing a black tee-shirt and black baseball hat (worn backwards).

17. At approximately 10:00 pm, CRDTF Detective Virnig observed a male subject exit the front entrance of the Red Lion, who matched the earlier description of AKHDARY seen by your affiant. AKHDARY was holding a black backpack and met a male subject who arrived on foot in front of the Red Lion Hotel. Within minutes, marked police units arrived and contacted both subjects. AKHDARY was taken into custody. The backpack AKHDARY had on him contained a small amount of white crystal-like substance (alleged methamphetamine) and a larger of amount of blue pills (alleged fentanyl pills) which visually appeared to be around 3000 pills. In addition, the backpack also contained a loaded 9mm Beretta handgun.

18. A post-arrest interview of AKHDARY was conducted. Prior to any questions, AKHDARY was advised of his *Miranda* warnings, which he agreed to waive and speak to the agents. AKHDARY stated he was attempting sell fentanyl pills to the other individual he was meeting along with the others within the Wenatchee area. AKHDARY admitted to traveling to Wenatchee with SMITH on or about the previous week, at which time they flew to Wenatchee from Arizona. AKHDARY stated the drugs were brought up in AKHDARY's checked bags but the Beretta handgun was SMITH's which he checked in via airline protocol. AKHDARY indicated the drugs belonged to SMITH, but that SMITH abruptly left

Wenatchee for Arizona area after he observed undercover agents following him in Wenatchee on June 3, 2022. AKHDARY stated he had regular phone contact with SMITH, at which time SMITH instructed AKHDARY to sell the remaining drugs before returning back to Arizona.

19. On June 7, 2022, at approximately 1:00 am, CRDTF and HSI served an amended warrant on AKHDARY's room #114, at which time an additional 1 lb. amount of methamphetamine, packaging, drug paraphernalia, indicia and electronic items were located and seized.

Respectfully submitted,

Kenneth West

Kenneth West  
Special Agent  
Homeland Security Investigations

June 13, 2022.

Sworn to telephonically and subscribed to electronically on       , 2022.



James A. Goeke  
The Honorable James A. Goeke  
United States Magistrate Judge